

IP / Competition Interface

Expertise

Bird & Bird's EU competition law team has outstanding expertise in the interface between IP and competition law. We are constantly representing our clients in high-profile IP litigation and in IP-related proceedings before competition authorities, and we advise in settlement agreements, licensing negotiations and other aspects of IP-related competition work, including refusals to license and also "FRAND" issues in standardisation contexts.

The relevance of competition law in IP litigation is increasing significantly throughout the EU and beyond, one example being the crucial importance of competition law in the context of industry standards and related IPR. Members of our team are working on the forefront of new developments and have achieved outstanding results for our clients. Leading case law in this sector is the direct result of innovative remedies pursued by members of our team.

A unique feature of our competition law team is its close connection to, and integration into, Bird & Bird's market-leading IP practice. To the benefit of our clients we combine competition law expertise with an in-depth understanding of the IP sector and distinguished experience of various IP specific rules, procedures and strategies. The strong international reach of our EU & competition law team provides a seamless service and ensures the implementation of a successful international strategy indispensable for plaintiffs and defendants, licensors and licensees.

Our team includes a former director-level European Commission official in competition matters who assists clients in high level issues with the EC's DG Competition, as well as former high-ranking officials from within national competition authorities. This allows the team to provide even deeper insights into how the competition authorities develop their activities with regard to IP, which are constantly being intensified.

Case study: IP Litigation

Members of the team were the first in the EU to raise a successful defence in national patent infringement proceedings based on competition law. The team is advising a leading producer of mobile phone handsets in a number of patent infringement proceedings in various member states, namely Germany, the UK and Italy.

Case study: Patent Pools

Members of the team have worked on the cutting-edge of patent pools and antitrust. The team, on behalf of 20 CD replicators, complained to the European Commission against the abuse of competition rules by the patent pools for CD Audio and CD ROM. A creative two step solution was achieved. As a first stage, complainants and complainees were given a limited window of opportunity to agree a settlement which resulted in an economic compensation of EURO 5 million for our clients. Once a settlement was reached, the second stage involved the removal of any remaining restrictions contained in the pool licence following appropriate discussions between DG Competition's services and the parties involved.



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